

WILKINSBURG BOROUGH COUNCIL MEETING
Legislative Session
March 14, 2012

CALL TO ORDER

President Cohn called the meeting to order at approximately 7:05 PM in Council Chambers, second floor of the Municipal Building, 605 Ross Ave., Wilkinsburg, PA.

ROLL CALL

The roll was called to establish a quorum. Council members present were: Mr. Lefebvre, Ms. Ervin, Ms. Evans, Ms. Trice, Ms. Moore (via telephone connection), Ms. Macklin, Ms. McCarthy-Johnson and President Cohn. Also present were Marla P. Marcinko, Borough Manager and Mike Witherel, Borough Solicitor. Ms. Goodman and Mayor John Thompson were absent. A quorum was established.

Mayor John Thompson arrived at approximately 7:06 p.m.

PLEDGE OF ALLEGIANCE

Following the pledge of allegiance, a moment of silence was observed to remember victims of violent crime.

President Cohn stated his desire to clear up false impressions related to a proposal for police services from the City of Pittsburgh prior to public comment. Mr. Cohn stated that Council has no plans to take action on the proposal. The proposal calls for the placement of more police officers in the Borough and therefore an increase in current police manpower. He further stated that there is no attempt to merge Wilkinsburg with Pittsburgh and that residents will not have to pay Pittsburgh wage taxes. No action will be taken any time soon on this proposal and no action is planned for this evening.

PUBLIC COMMENT

Rev. Elise P. Neal – 8000 Beacon Hill Dr. Apt. 114 – Commented that she received a flyer in her mailbox about the police issue and decided not to address Council after hearing Mr. Cohn's comments.

Peter G. Maurin – 7416 Lighthouse Point – Inquired as to the status of a letter he submitted to Council relating to the operation of and issues at Woodlawn Cemetery at the end of Lighthouse Point. Mr. Maurin was advised that the letter was referred to Code Enforcement and that it will take time to provide answers to his questions. Mr. Maurin questioned the schedule for the paving in Beacon Hill.

Alfred (Buddy) Savage – 912 Penn Ave. – Mr. Savage commented on the response level for police being dispatched from a location in the City to Wilkinsburg. Mr. Cohn advised that there is no plan to have police service provided to Wilkinsburg from a location in the City.

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Nancy Bielicki-327 South Ave. – Commented that she lives and works in the Borough as she feels safe and that she will not live in the Borough without Wilkinsburg police.

Marion Huber – 319 South Ave. – Ms. Huber concurred with Ms. Bielicki's comments and stated that the police officers will check on her when she forgets to turn on her alarm system.

James Simmons – 1633 Laketon Rd. – Spoke in favor of retaining the Wilkinsburg Police Department and jobs for the officers.

Suzanne Mikiszie – 7217 Beacon Hill Dr. - Commented about the importance of police protection, that the officers provide good support and also spoke in support of Chief Coleman.

James Porter – 1305 Hill Ave. – Spoke in support of police officers and believes the Borough residents need increased protection.

Fred Quick – 540 Shelbourne Ave. – Questioned how the proposed elimination of the police force started. Mr. Quick commented on the lack of street cleaning on Shelbourne Ave.

Chris Freed – 751 Franklin Ave. – Commented on his understanding that a vote on the police proposal is not imminent and requested that information on the proposal be made available to the public well in advance of any decision being made. He asked what VPRP stood for and was advised Vacant Property Recovery Program. He thanked those serving on boards and commissions.

Sylvia Berry – 1912 Fairmont St. – Spoke in support of the police department and their quick response to ensure her safety when needed.

Michael Crow – 1860 Atkinson Pl. – Commented that increased assessed property values in the Borough will result in increased revenue. The changes to the collection of earned income tax and local services tax should also result in an increase in revenue. Commented on the high call volume handled by the Wilkinsburg Police Department.

Carl Bailey – Teamsters Local 205 – Stated that he represents the Wilkinsburg Police Officers and that there are no ongoing contract negotiations and that the Borough immediately insisted on subcontracting language. He spoke of issues with the City of Pittsburgh. He commented on the loss of revenue for fines issued and also commented on the pension fund obligation as a continued legacy cost with no State aid received from active officers.

Jennifer Mahler 557 Mifflin Ave. #1 – Spoke in support of the Police Department.

Marilyn Albert – 622 Hampton Ave. – Stated his appreciation for the passion and concern of the residents and the benefit of hearing both sides. He understands that the matter will be studied further and the process will be transparent.

Alton Allesberry, Sr. – Committeeman in First Ward – Commended Chief Coleman for her work. Commented on transportation issues for the elderly on Laketon Rd. with the PAT cuts to the 78 Oakmont, 79 East Hills and Access. These cuts will cause residents to walk to Frankstown Road for transportation from Laketon Road.

Stephanie Simmons – 1387 Laketon Rd. – Commented on her research which indicated that localized, entrenched police departments are the most effective. She urged Council to keep the police department and increase staffing.

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Marty Fruendt – 335 Barnes St. – Spoke in support of Chief Coleman and expressed concern regarding the City of Pittsburgh's ability to effectively work in diverse communities.

Tim Letourneau – Save-A-Lot – Commented on his experiences with police service in Wilkinsburg and response times for problems at the store in Wilkinsburg as compared to those of the City of Pittsburgh at another store location in the City.

Brian Ludwig – 911 William Penn Court – Suggested that it is in the Borough's best interest to negotiate a fair contract with the current police force.

Mark Vesci – 2001 Chalfant St. – Spoke in support of the Police Department.

Zack Brooks – 716 Penn Ave. – Commented on poor police presence in the East Hills and other neighborhoods within the City.

Corene Scott - 1409 Mill St. – Spoke in support of the Police Department and presented a petition signed by business owners.

Robert Whitsett – 715 Penn Ave. – Spoke in support of the Police Department.

Wilbert Wright – 1315 Clark St. – Commented that the Mayor and Chief should have been apprised of the discussions with the City.

(Ms. Goodman arrived at approximately 8:00 p.m.)

Denise Edwards – 118 Peebles St. – Formally presented petitions to Council and stated that the public is clearly not supportive of any proposal for City police services.

Chief Veronica Lattimore – Head of Security for School District – Spoke in support of the Wilkinsburg Police Department and their working relationship.

Charles Newell – Commented that the public needs to put more trust in Council.

President Cohn commented that consideration of the proposal is no reflection on the quality of the Wilkinsburg Police Officers. Mr. Cohn stated that Council has an obligation to look at any and all options to improve public safety in the Borough.

A motion was made by Ms. Macklin, second by Ms. Trice, that the Wilkinsburg Borough Council order the Borough Manager, and Solicitor and any other representatives of the Borough of Wilkinsburg to cease and desist any and all further communications and efforts to contract out police services for the Borough of Wilkinsburg to the City of Pittsburgh or to any other entity.

Yes: Ms. Ervin, Ms. Trice, Ms. Moore, Ms. Macklin

No: Ms. Evans, Ms. Goodman, Ms. McCarthy-Johnson, Mr. Lefebvre, President Cohn

Motion failed: 4:5

Following public comment, the meeting was recessed at approximately 8:15 p.m. and reconvened at approximately 8:25 p.m.

AGENDA ITEMS

**1. Authorizing the advertisement of Ordinance No. 2888 – Establishing
Handicap Parking Space – 1114 South Ave.**

On motion by Ms. Evans, second by Ms. Goodman.

All voted in favor of the motion. Motion carried

**2. Authorizing the advertisement of Ordinance No. 2889 – Joint UCC Appeals
Board.**

On motion by Ms. McCarthy-Johnson, second by Mr. Lefebvre.

All voted in favor of the motion. Motion carried

3. Approving Council Meeting Minutes of 2/1, 2/8, and 2/15.

On motion by Ms. Evans, second by Mr. Lefebvre.

Yes: Ms. Ervin (2/8/12), Ms. Evans, Ms. Trice, Ms. Moore, Ms. Goodman,
Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Cohn

No: Ms. Ervin (2/1/12 and 2/15/12)

All voted in favor of the motion. Motion carried

4. Approving February Checks Issued in the amounts as follows:

Regular Distributions 0201/12 – 02/29/12	\$ 396,184.95
Payroll disbursements	\$ 259,900.15
Voided Checks	<u>\$ (1,195.48)</u>
Total	\$ 654,889.62

On motion by Ms. Evans, second by Mr. Lefebvre.

Ms. Macklin commented that she is not voting in favor as there is not a Finance Committee which looks at the bills. She commented that the list should be reviewed before it is signed and sent out. President Cohn commented that the Finance Committee consists of full Council and that the bill list is sent to full Council for review each week. Ms. Macklin commented that she doesn't see the invoices.

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Yes: Ms. Evans, Ms. Moore, Ms. Goodman, Ms. McCarthy-Johnson, Mr. Lefebvre,
President Cohn

No: Ms. Ervin, Ms. Trice, Ms. Macklin

Motion carried 6:3

5. Approving Resolution No. 12-015 – Boards and Commissions Attendance Policy.

On motion by Ms. Goodman, second by Mr. Lefebvre.

Ms. Moore commented that she has missed meetings and Council can remove her if they so wish.

All voted in favor of the motion. Motion carried

6. Approving Resolution No. 12-016 – Confidential Contact – Berkheimer Tax Administrator.

On motion by Mr. Lefebvre, second by Ms. Evans.

Ms. Macklin asked for clarification about the reports the Borough receives that does not contain income information. Ms. Marcinko clarified that the reports are received by the Borough from Berkheimer Tax Administrator. Ms. Macklin questioned whether Council could receive copies of the reports. Ms. Marcinko advised that once the resolution is passed, Berkheimer does no longer has liability for the release of the information after it has been released to the Borough. Ms. Marcinko advised that there may be liability for the Borough if she were to release the information to anyone. Ms. Macklin advised that she would not vote in favor if Council cannot receive the reports to monitor collection efforts.

Yes: Ms. Trice, Ms. Moore, Ms. Goodman, Ms. McCarthy-Johnson, Mr. Lefebvre,
Ms. Ervin, Ms. Evans, President Cohn

Abstain: Ms. Macklin

Motion carried 8:0 with one abstention

President Cohn requested that Items 7 through 10 be placed on a consent agenda.

Ms. Macklin advised that the Planning Commission recommended all properties be approved and that there should be some type of letter or reference to this effect. Ms. Marcinko advised that Chairman Shattuck relays to her the Commission's action on these

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items via email and until that approval is received, the resolutions do not come before Council.

CONSENT AGENDA – Vacant Property Recovery Program

- 7. Approving Resolution No. 12-017-VPRP application -406 Hay St.**
- 8. Approving Resolution No. 12-018 – Approving VPRP Application – 1110 Coal Street.**
- 9. Approving Resolution No. 12-025 – Approving VPRP Application – 705 Whitney Street.**
- 10. Approving Resolution No. 12-026 – Approving VPRP application – 707 Whitney Ave.**

On motion by Ms. Evans, second by Ms. Macklin.

All voted in favor of the motion. Motion carried

CONSENT AGENDA – Board and Commission Appointments

- 11. Approving Resolution No. 12-019 – Re-Appointing Barbara Wooster – Civil Service Commission.**
- 12. Approving Resolution No. 12-020 – Re-Appointing Vince Neal – Library Board**
- 13. Approving Resolution No. 12-021 – Re-Appointing Joan King – Shade Tree Committee.**
- 14. Approving Resolution No. 12-022 – Appointing Rick Hawkinberry – Wilkinsburg Municipal Authority.**
- 15. Approving Resolution No. 12-023 – Appointing John Irwin – WCIDA.**
- 16. Approving Resolution No. 12-024 – Re-Appointing Linda Law – Parks & Recreation Advisory Board.**

On motion by Ms. McCarthy-Johnson, second by Mr. Lefebvre

All voted in favor of the Consent Agenda relating to appointments with the exception of Ms. Trice who did not vote in favor of Resolution No. 12-023.

Motion carried

OLD BUSINESS

1. Procedure related to Council actions.

President Cohn commented about the level of detail contained in the minutes. Ms. Macklin commented that the level of detail currently in the minutes is acceptable to her. It was the consensus of Council to maintain this level of detail.

2. Approving Resolution No. 12-010 – Policy regarding retention of audio tapes of public meetings.

President Cohn commented that Ms. Macklin had requested to delay action on this item until such time as the level of detail to be contained in the minutes was resolved. President Cohn commented that the former manager had suggested that a tape destruction policy be adopted. Mr. Witherel advised Council that the reason to have a policy in place is due to the Right-To-Know Law. The purpose of the tape is to use it to create the minutes. Ms. Moore questioned how long the tapes would be retained. Ms. Marcinko responded until they are adopted by Council. Ms. Ervin asked if a draft would be received in advance and Ms. Marcinko advised that Council currently receives copies of the minutes proposed for approval in advance of the meeting in the agenda packet. The minutes are a draft until approved by Council.

On motion by Ms. Evans, second by Ms. McCarthy-Johnson.

Yes: Ms. Evans, Ms. Trice, Ms. Moore, Ms. Goodman, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Cohn

No: Ms. Ervin

Motion carried

3. Authorizing the issuance of a Request for Proposals – Repairs to decorative lighting.

Ms. Macklin questioned whether Sargent Electric had been consulted to prepare an RFP. Ms. Marcinko confirmed that to be the case and it is recommended that all components contained in the proposal from Sargent be competitively bid.

On motion by Ms. Macklin, second by Ms. McCarthy-Johnson.

All voted in favor of the motion. Motion carried

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4. Discussion – Revolving Loan Fund.

President Cohn commented that Ms. Evans had provided a narrative for a proposed program. Ms. Macklin stated that she is not in favor of a grant program and commented that she had located some of the loan documents from the EDGE program and that she would favor a low interest loan program. Ms. Macklin questioned whether tax delinquencies would be a criterion in determining eligibility and inquired as to whether there could be a clause in the agreement that could prevent the property from being transferred for a certain period of time following the completion of the improvements or the grant would have to be repaid. Ms. Evans referred to a Statement of Understanding in the packet of information she provided which contains such a clause which she believes would be difficult to enforce. Ms. Evans commented on the status of the Revolving Loan Fund and the program being proposed. She further commented that the Borough will need to decide if it wants to manage a loan fund. Ms. Goodman stated that she was supportive of a grant program and not a loan program. President Cohn commented that the former loan program was a disaster and that he likes the way this particular program is structured. He stated he is not in favor of managing loan payments. Ms. Ervin questioned whether the WCDC would oversee the program with the Borough. Ms. Evans responded that the WCDC would facilitate the application process but would not handle any of the financial transactions. Ms. Ervin asked Ms. Macklin for an opportunity to review the EDGE paperwork. Ms. Moore asked if day care centers would be eligible. Ms. Evans recommended limiting the program to the designated business district. Ms. Macklin asked if the Borough Solicitor had reviewed the documents. Mr. Cohn responded that he had not yet but would prior to taking any action.

Chief Ophelia Coleman discussed the work which has commenced on the underpass on Penn Avenue. She was not aware of the project and has contacted PA DOT. Ms. Evans stated that it is her understanding that it is Norfolk Southern Railway that is performing the scaling work and that traffic has been reduced to one lane on Penn Avenue. Chief Coleman will follow up directly with them.

NEW BUSINESS

A motion was made by Ms. Macklin, second by Ms. McCarthy-Johnson, to place Lt. Krempasky on paid administrative leave, effective March 19, 2012, until such time as a settlement agreement is reached in the pending litigation.

All voted in favor of the motion. Motion carried.

OLD BUSINESS

Ms. Trice raised two concerns regarding the policy on conferences and meeting attendance. She requested that the recent policy change also apply to staff.

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A motion was made by Ms. Trice, second by Ms. Ervin, to amend the conference attendance policy to include that no more than one manager shall attend any one conference and he/she be limited to an expenditure of \$500 per manager per conference or meeting per year.

Ms. Goodman recommended that this be reviewed by the Solicitor as contractual issues may be involved. Ms. Trice commented on the expenses last year. Ms. Macklin requested a summary of the expenses from Ms. Trice which was then distributed to Council. Mr. Cohn commented on the responsibility of Council to honor the contractual obligations to staff. Ms. Marcinko commented about the importance of staff training for professional development. She commented on the invaluable training that she and the Administrative Assistant receive at the meetings and conferences they attend. Ms. Moore questioned the costs of ALOM and staff conference expenses and amounts budgeted. Ms. Macklin commented that Ms. Marcinko had succinctly explained the importance of training and the careful selection of conferences to attend and believes recent action on the part of Council in controlling conference attendance for Council members is disrespectful of their decisions as to what is needed to best serve their constituents. Ms. Goodman commented on the distinction between staff and Council.

Yes: Ms. Ervin, Ms. Trice, Ms. Moore, Ms. Macklin

No: Ms. Evans, Ms. Goodman, Ms. McCarthy-Johnson, Mr. Lefebvre, President Cohn

Motion failed: 4:5

Ms. Trice commented about the notices placed in the Tribune Review and Post Gazette for the vacancies on Boards and Commissions. Ms. Trice stated that she understood that the notice was not placed in the Courier because it was not offered as a free service. Ms. Trice distributed an invoice showing monies paid to the Tribune review for the notice. Ms. Marcinko stated that she was unaware that the Borough was billed and will follow-up on the matter. Ms. Marcinko commented that the notice was not submitted to classified advertisements or legal advertisement. It was intended as a notice of information to the public only.

ADJOURNMENT

Being no further business, on motion by Ms. McCarthy-Johnson; second by Ms. Goodman the meeting was adjourned at approximately 9:37 PM.

Jason Cohn, Council President